



New South Wales

Appropriation Act 2009 No 43

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New South Wales

Appropriation Act 2009 No 43

Act No 43, 2009

An Act to appropriate out of the Consolidated Fund sums for the recurrent services and capital works and services of the Government for the year 2009–10. [Assented to 26 June 2009]

See also the *Appropriation (Parliament) Act 2009*, the *Appropriation (Special Offices) Act 2009* and the *State Revenue Legislation Amendment Act 2009*.

Section 1 Appropriation Act 2009 No 43

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Appropriation Act 2009*.

2 Commencement

This Act commences or is taken to have commenced on 1 July 2009.

3 Interpretation

In this Act, a reference to the year 2009–10 is a reference to the year from 1 July 2009 to 30 June 2010.

Part 2 Appropriations out of the Consolidated Fund

4 General appropriation from Consolidated Fund 2009–10 for recurrent services

- (1) Out of the Consolidated Fund there are hereby appropriated the sums identified in sections 6 to 25, inclusive, as the sums appropriated by this Act for recurrent services, which sums may be issued and applied for or towards the several uses and purposes expressed in those sections for the recurrent services of the Government for the year 2009–10.
- (2) The total sum appropriated out of the Consolidated Fund for the recurrent services of the Government for the year 2009–10, in accordance with the provisions of sections 6 to 25, inclusive, is the sum of \$44,989,326,000.
- (3) Any amounts expended for recurrent services under section 25 of the *Public Finance and Audit Act 1983* or any Supply Act on or after 1 July 2009 and before the date of assent to this Act are taken to have been expended out of such of the sums for recurrent services set out in sections 6 to 25, inclusive, as may be determined by the Treasurer.

5 General appropriation from Consolidated Fund 2009–10 for capital works and services

- (1) Out of the Consolidated Fund there are hereby appropriated the sums identified in sections 6 to 25, inclusive, as the sums appropriated by this Act for capital works and services, which sums may be issued and applied for or towards the several uses and purposes expressed in those sections for capital works and services for the year 2009–10.
- (2) The total sum appropriated out of the Consolidated Fund for capital works and services for the year 2009–10, in accordance with the provisions of sections 6 to 25, inclusive, is the sum of \$6,540,252,000.
- (3) Any amounts expended for capital works and services under section 25 of the *Public Finance and Audit Act 1983* or any Supply Act on or after 1 July 2009 and before the date of assent to this Act are taken to have been expended out of such of the sums for capital works and services set out in sections 6 to 25, inclusive, as may be determined by the Treasurer.

6 Premier, and Minister for the Arts

- (1) RECURRENT SERVICES: The sum of \$682,014,000 is hereby appropriated to the Premier, and Minister for the Arts for the recurrent services of the following:

	\$,000
01. Department of Premier and Cabinet	267,439
02. Independent Pricing and Regulatory Tribunal of New South Wales	16,322
03. Natural Resources Commission	4,548
04. Department of the Arts, Sport and Recreation	393,705
Total, Recurrent Services	<u>682,014</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$21,322,000 is hereby appropriated to the Premier, and Minister for the Arts for the capital works and services of the following:

	\$,000
01. Department of Premier and Cabinet	3,552
02. Independent Pricing and Regulatory Tribunal of New South Wales	180
03. Natural Resources Commission	309
04. Department of the Arts, Sport and Recreation	17,281
Total, Capital Works and Services	<u>21,322</u>

7 Deputy Premier, Minister for Climate Change and the Environment, and Minister for Commerce

- (1) **RECURRENT SERVICES:** The sum of \$837,354,000 is hereby appropriated to the Deputy Premier, Minister for Climate Change and the Environment, and Minister for Commerce for the recurrent services of the following:

	\$,000
01. Department of Environment and Climate Change	570,220
02. Environmental Trust	94,588
03. Royal Botanic Gardens and Domain Trust	19,090
04. Department of Commerce	153,456
Total, Recurrent Services	<u>837,354</u>

- (2) **CAPITAL WORKS AND SERVICES:** The sum of \$47,816,000 is hereby appropriated to the Deputy Premier, Minister for Climate Change and the Environment, and Minister for Commerce for the capital works and services of the following:

	\$,000
01. Department of Environment and Climate Change	41,562
02. Royal Botanic Gardens and Domain Trust	2,860
03. Department of Commerce	3,394
Total, Capital Works and Services	<u>47,816</u>

Section 8 Appropriation Act 2009 No 43

Part 2 Appropriations out of the Consolidated Fund

8 Minister for Ageing, Minister for Disability Services, and Minister for Aboriginal Affairs

- (1) RECURRENT SERVICES: The sum of \$2,198,176,000 is hereby appropriated to the Minister for Ageing, Minister for Disability Services, and Minister for Aboriginal Affairs for the recurrent services of the following:

	\$,000
01. Department of Ageing, Disability and Home Care	2,172,123
02. Department of Aboriginal Affairs	26,053
Total, Recurrent Services	<u>2,198,176</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$145,510,000 is hereby appropriated to the Minister for Ageing, Minister for Disability Services, and Minister for Aboriginal Affairs for the capital works and services of the following:

	\$,000
01. Department of Ageing, Disability and Home Care	145,370
02. Department of Aboriginal Affairs	140
Total, Capital Works and Services	<u>145,510</u>

9 Attorney General, and Minister for Industrial Relations

- (1) RECURRENT SERVICES: The sum of \$561,950,000 is hereby appropriated to the Attorney General, and Minister for Industrial Relations for the recurrent services of the following:

	\$,000
01. Attorney General's Department	414,130
02. Judicial Commission of New South Wales	4,323
03. Legal Aid Commission of New South Wales	143,497
Total, Recurrent Services	<u>561,950</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$45,627,000 is hereby appropriated to the Attorney General, and Minister for Industrial Relations for the capital works and services of the following:

	\$,000
01. Attorney General's Department	41,877
02. Judicial Commission of New South Wales	150
03. Legal Aid Commission of New South Wales	3,600
Total, Capital Works and Services	<u>45,627</u>

10 Minister for Community Services

- (1) RECURRENT SERVICES: The sum of \$1,512,147,000 is hereby appropriated to the Minister for Community Services for the recurrent services of the following:

	\$,000
01. Department of Community Services	<u>1,512,147</u>
Total, Recurrent Services	<u>1,512,147</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$26,378,000 is hereby appropriated to the Minister for Community Services for the capital works and services of the following:

	\$,000
01. Department of Community Services	<u>26,378</u>
Total, Capital Works and Services	<u>26,378</u>

11 Minister for Corrective Services, Minister for Public Sector Reform, and Special Minister of State

- (1) RECURRENT SERVICES: The sum of \$804,690,000 is hereby appropriated to the Minister for Corrective Services, Minister for Public Sector Reform, and Special Minister of State for the recurrent services of the following:

	\$,000
01. Department of Corrective Services	804,690
Total, Recurrent Services	<u>804,690</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$130,245,000 is hereby appropriated to the Minister for Corrective Services, Minister for Public Sector Reform, and Special Minister of State for the capital works and services of the following:

	\$,000
01. Department of Corrective Services	130,245
Total, Capital Works and Services	<u>130,245</u>

12 Minister for Education and Training, and Minister for Women

- (1) RECURRENT SERVICES: The sum of \$10,029,317,000 is hereby appropriated to the Minister for Education and Training, and Minister for Women for the recurrent services of the following:

	\$,000
01. Department of Education and Training	9,933,258
02. Office of the Board of Studies	96,059
Total, Recurrent Services	<u>10,029,317</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$2,532,980,000 is hereby appropriated to the Minister for Education and Training, and Minister for Women for the capital works and services of the following:

	\$,000
01. Department of Education and Training	2,532,549
02. Office of the Board of Studies	431
Total, Capital Works and Services	<u>2,532,980</u>

13 Minister for Emergency Services, and Minister for Small Business

- (1) RECURRENT SERVICES: The sum of \$129,554,000 is hereby appropriated to the Minister for Emergency Services, and Minister for Small Business for the recurrent services of the following:

	\$,000
01. New South Wales Fire Brigades	71,196
02. Department of Rural Fire Service	51,165
03. State Emergency Service	7,193
Total, Recurrent Services	<u>129,554</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$7,161,000 is hereby appropriated to the Minister for Emergency Services, and Minister for Small Business for the capital works and services of the following:

	\$,000
01. New South Wales Fire Brigades	6,424
02. Department of Rural Fire Service	310
03. State Emergency Service	427
Total, Capital Works and Services	<u>7,161</u>

Section 14 Appropriation Act 2009 No 43

Part 2 Appropriations out of the Consolidated Fund

14 Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts

- (1) RECURRENT SERVICES: The sum of \$11,944,000 is hereby appropriated to the Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts for the recurrent services of the following:

	\$,000
01. Community Relations Commission of New South Wales	11,944
Total, Recurrent Services	<u>11,944</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$35,000 is hereby appropriated to the Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts for the capital works and services of the following:

	\$,000
01. Community Relations Commission of New South Wales	35
Total, Capital Works and Services	<u>35</u>

15 Minister for Gaming and Racing, and Minister for Sport and Recreation

- (1) RECURRENT SERVICES: The sum of \$7,057,000 is hereby appropriated to the Minister for Gaming and Racing, and Minister for Sport and Recreation for the recurrent services of the following:

	\$,000
01. Casino, Liquor and Gaming Control Authority	7,057
Total, Recurrent Services	<u>7,057</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$70,000 is hereby appropriated to the Minister for Gaming and Racing, and Minister for Sport and Recreation for the capital works and services of the following:

	\$,000
01. Casino, Liquor and Gaming Control Authority	70
Total, Capital Works and Services	70

16 Minister for Health, and Minister for the Central Coast

- (1) RECURRENT SERVICES: The sum of \$11,475,154,000 is hereby appropriated to the Minister for Health, and Minister for the Central Coast for the recurrent services of the following:

	\$,000
01. Department of Health	11,465,281
02. Health Care Complaints Commission	9,873
Total, Recurrent Services	11,475,154

- (2) CAPITAL WORKS AND SERVICES: The sum of \$405,446,000 is hereby appropriated to the Minister for Health, and Minister for the Central Coast for the capital works and services of the following:

	\$,000
01. Department of Health	405,446
Total, Capital Works and Services	405,446

17 Minister for Housing, and Minister for Western Sydney

RECURRENT SERVICES: The sum of \$1,944,817,000 is hereby appropriated to the Minister for Housing, and Minister for Western Sydney for the recurrent services of the following:

	\$,000
01. Payments to other Government bodies under the control of the Minister for Housing	1,944,817
Total, Recurrent Services	<u>1,944,817</u>

18 Minister for Juvenile Justice, Minister for Volunteering, Minister for Youth, and Minister Assisting the Premier on Veterans' Affairs

(1) RECURRENT SERVICES: The sum of \$166,505,000 is hereby appropriated to the Minister for Juvenile Justice, Minister for Volunteering, Minister for Youth, and Minister Assisting the Premier on Veterans' Affairs for the recurrent services of the following:

	\$,000
01. Department of Juvenile Justice	152,036
02. Office for Children	14,469
Total, Recurrent Services	<u>166,505</u>

(2) CAPITAL WORKS AND SERVICES: The sum of \$24,560,000 is hereby appropriated to the Minister for Juvenile Justice, Minister for Volunteering, Minister for Youth, and Minister Assisting the Premier on Veterans' Affairs for the capital works and services of the following:

	\$,000
01. Department of Juvenile Justice	23,397
02. Office for Children	1,163
Total, Capital Works and Services	<u>24,560</u>

19 Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health)

- (1) RECURRENT SERVICES: The sum of \$85,765,000 is hereby appropriated to the Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health) for the recurrent services of the following:

	\$,000
01. Department of Local Government	85,765
Total, Recurrent Services	85,765

- (2) CAPITAL WORKS AND SERVICES: The sum of \$150,000 is hereby appropriated to the Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health) for the capital works and services of the following:

	\$,000
01. Department of Local Government	150
Total, Capital Works and Services	150

20 Minister for Planning, and Minister for Redfern Waterloo

- (1) RECURRENT SERVICES: The sum of \$107,057,000 is hereby appropriated to the Minister for Planning, and Minister for Redfern Waterloo for the recurrent services of the following:

	\$,000
01. Department of Planning	72,861
02. Sydney Olympic Park Authority	34,196
Total, Recurrent Services	107,057

Section 21 Appropriation Act 2009 No 43

Part 2 Appropriations out of the Consolidated Fund

(2) CAPITAL WORKS AND SERVICES: The sum of \$9,975,000 is hereby appropriated to the Minister for Planning, and Minister for Redfern Waterloo for the capital works and services of the following:

	\$,000
01. Department of Planning	3,164
02. Sydney Olympic Park Authority	6,811
Total, Capital Works and Services	<u>9,975</u>

21 Minister for Police, Minister for Lands, and Minister for Rural Affairs

(1) RECURRENT SERVICES: The sum of \$2,237,453,000 is hereby appropriated to the Minister for Police, Minister for Lands, and Minister for Rural Affairs for the recurrent services of the following:

	\$,000
01. Ministry for Police	7,163
02. NSW Police Force	2,131,973
03. New South Wales Crime Commission	15,372
04. Police Integrity Commission	17,780
05. Department of Lands	65,165
Total, Recurrent Services	<u>2,237,453</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$140,645,000 is hereby appropriated to the Minister for Police, Minister for Lands, and Minister for Rural Affairs for the capital works and services of the following:

	\$,000
01. Ministry for Police	69
02. NSW Police Force	136,831
03. New South Wales Crime Commission	1,561
04. Police Integrity Commission	1,790
05. Department of Lands	394
Total, Capital Works and Services	140,645

22 Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development

- (1) RECURRENT SERVICES: The sum of \$1,228,127,000 is hereby appropriated to the Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development for the recurrent services of the following:

	\$,000
01. Department of Primary Industries	234,078
02. New South Wales Rural Assistance Authority	258,954
03. Department of Water and Energy	480,869
04. Department of State and Regional Development	254,226
Total, Recurrent Services	1,228,127

Section 23 Appropriation Act 2009 No 43

Part 2 Appropriations out of the Consolidated Fund

- (2) CAPITAL WORKS AND SERVICES: The sum of \$37,438,000 is hereby appropriated to the Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development for the capital works and services of the following:

	\$,000
01. Department of Primary Industries	30,860
02. New South Wales Rural Assistance Authority	50
03. Department of Water and Energy	6,049
04. Department of State and Regional Development	479
Total, Capital Works and Services	<u>37,438</u>

23 Minister for Roads

- (1) RECURRENT SERVICES: The sum of \$1,563,835,000 is hereby appropriated to the Minister for Roads for the recurrent services of the following:

	\$,000
01. Roads and Traffic Authority of New South Wales	1,563,835
Total, Recurrent Services	<u>1,563,835</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$2,456,187,000 is hereby appropriated to the Minister for Roads for the capital works and services of the following:

	\$,000
01. Roads and Traffic Authority of New South Wales	2,456,187
Total, Capital Works and Services	<u>2,456,187</u>

24 Minister for Transport, and Minister for the Illawarra

- (1) RECURRENT SERVICES: The sum of \$4,364,122,000 is hereby appropriated to the Minister for Transport, and Minister for the Illawarra for the recurrent services of the following:

	\$,000
01. Ministry of Transport	4,346,222
02. Independent Transport Safety and Reliability Regulator	15,785
03. Office of Transport Safety Investigations	2,115
Total, Recurrent Services	<u>4,364,122</u>

- (2) CAPITAL WORKS AND SERVICES: The sum of \$14,743,000 is hereby appropriated to the Minister for Transport, and Minister for the Illawarra for the capital works and services of the following:

	\$,000
01. Ministry of Transport	14,723
02. Office of Transport Safety Investigations	20
Total, Capital Works and Services	<u>14,743</u>

25 Treasurer

- (1) RECURRENT SERVICES: The sum of \$5,042,288,000 is hereby appropriated to the Treasurer for the recurrent services of the following:

	\$,000
01. Treasury	175,844
02. Crown Finance Entity	4,566,444
03. Advance to the Treasurer	300,000
Total, Recurrent Services	<u>5,042,288</u>

Section 25 Appropriation Act 2009 No 43

Part 2 Appropriations out of the Consolidated Fund

(2) CAPITAL WORKS AND SERVICES: The sum of \$493,964,000 is hereby appropriated to the Treasurer for the capital works and services of the following:

	\$,000
01. Treasury	9,461
02. Crown Finance Entity	344,503
03. Advance to the Treasurer	140,000
Total, Capital Works and Services	<u>493,964</u>

Part 3 Additional appropriation for health related services

26 Additional appropriation from Consolidated Fund 2009–10 for recurrent services

- (1) Out of the Consolidated Fund there is hereby appropriated the sum identified in section 27, to the Minister specified in relation to that sum, for recurrent services, which sum may be issued and applied for or towards the use and purpose expressed in that section for the recurrent services of the Government for the year 2009–10.
- (2) The total sum appropriated out of the Consolidated Fund in accordance with the provisions of this Part is the sum of \$236,000,000.
- (3) The sum appropriated by this Part is in addition to any other sum appropriated by this Act for recurrent services.
- (4) Any amounts expended for recurrent services under section 25 of the *Public Finance and Audit Act 1983* or any Supply Act on or after 1 July 2009 and before the date of assent to this Act are taken to have been expended out of such of the sum for recurrent services set out in section 27 as may be determined by the Treasurer.

27 Special appropriation to Minister for Health—additional revenue from gaming machine taxes

RECURRENT SERVICES: The sum of \$236,000,000 is hereby appropriated to the Minister for Health for the recurrent services of the following:

	\$,000
01. Department of Health	236,000
Total, Recurrent Services	236,000

Note. This Part allocates additional revenue raised in connection with changes to gaming machine taxes to the Minister for Health for spending on recurrent health related services.

Part 4 General

28 Variation of authorised payments from Consolidated Fund

- (1) In this section, *purpose* means a purpose specified in Part 2 or 3 in relation to a Minister to which a sum is appropriated for recurrent services or for capital works and services.
- (2) Payment of a sum appropriated under Part 2 or 3 for a purpose may not be made in excess of the sum specified for the purpose or, if the same purpose is specified in Parts 2 and 3, the total sum specified for that purpose, except as provided by this section or Division 4 of Part 2 of the *Public Finance and Audit Act 1983*.
- (3) If the exigencies of government so require, the Treasurer may authorise the payment of a sum in excess of the sum or total sum specified for a purpose, but only if an equivalent sum is not paid out for another purpose, whether the other purpose is specified in relation to the same or a different Minister, subject to subsections (4) and (5).
- (4) A sum appropriated for recurrent services may only be paid out for recurrent services and a sum appropriated for capital works and services may only be paid out for capital works and services.
- (5) A sum appropriated under Part 3 may only be paid out for a purpose specified in Part 3.
- (6) This section does not apply to sums appropriated by another Act.
- (7) This section does not enable the Treasurer to authorise the payment of a sum in augmentation of, or as an addition to, any salary or wages the amount of which has been fixed by law.
- (8) The Treasurer is to inform the Auditor-General of every authorisation given under this section.
- (9) An authorisation under this section may be given before or after the relevant payment is made.

29 Appointment of person to carry out the functions of the Treasurer under section 28

- (1) The Treasurer may appoint a person to carry out the Treasurer's functions under section 28.
- (2) Any such appointment is subject to such conditions (if any) as the Treasurer determines.
- (3) The Treasurer may revoke any such appointment at any time.

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- (4) A person appointed under this section has, in place of the Treasurer, the Treasurer's function under section 28 (8) of informing the Auditor-General of every authorisation given by the person under section 28.

30 Delayed restructures

- (1) Without limiting section 28, if the responsibility for a service or function for which an appropriation is made in this Act is transferred on or after 1 July 2009 because of the determination made before that date by the Premier to create new ministries, or to change or abolish existing ministries, and consequently to create, restructure or abolish any authority, the appropriation does not lapse and may be issued and applied, in accordance with such determination as may be made by the Treasurer, for or towards the service or function the responsibility for which is transferred.
- (2) Section 24 of the *Public Finance and Audit Act 1983* does not apply to or in respect of an appropriation, service or function to which this section applies.

31 Tabling of Budget Papers

- (1) If the Legislative Assembly is not sitting at the time when a Budget Paper for the year 2009–10 is sought to be tabled in the Legislative Assembly, a Minister may, for the purpose of complying with section 27AB of the *Public Finance and Audit Act 1983*, present the Budget Paper to the Clerk of the Legislative Assembly to be dealt with in accordance with section 63C of that Act.
- (2) Section 63C of the *Public Finance and Audit Act 1983* applies in relation to a Budget Paper that is presented to the Clerk of the Legislative Assembly under this section in the same way as it applies to a report presented to the Clerk of the Legislative Assembly under a provision of that Act.

[Agreement in principle speech made in Legislative Assembly on 16 June 2009
Second reading speech made in Legislative Council on 23 June 2009]

BY AUTHORITY